

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DISCOVERY PARK COMMUNITY
ALLIANCE, a community non-profit
corporation, and ELIZABETH CAMPBELL,

Petitioners,

v.

CITY OF SEATTLE *et al.*,

Respondents.

CASE NO. C19-1105-JCC

ORDER

This matter comes before the Court on Respondents’ renewed motion to dismiss (Dkt. No. 54). The Court takes deadlines seriously and does not condone the delays that Petitioner Elizabeth Campbell has caused by failing to properly serve the United States Army. However, the Court also recognizes that “[d]ismissal is a harsh penalty and is to be imposed in only extreme circumstances.” *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)). That harsh penalty is not warranted here. The Court therefore DENIES Respondents’ motion (Dkt. No. 54) and DIRECTS the Clerk to issue a summons on the Army.¹

¹ Petitioner should not misinterpret the Court’s leniency. If Petitioner continues to miss deadlines or otherwise fail to comply with the Court’s orders, the Court will impose sanctions. Those sanctions may include dismissal of Petitioner’s case.

1 DATED this 26th day of August 2020.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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